REMARKS/ARGUMENTS

Claims 1 and 17 have been revised to include the feature of an "exogenous tumor specific antigen" which is supported at least on pages 19-20, bridging paragraph, of the application as filed (see paragraph [0047] of the application published as US 20070166316 A1). Claims 1 and 17 have also been revised to be consistent with the use of the phrase "at least one" in place of "one or more" in previous Claim 1.

New dependent Claims 27-36 have been introduced. Claims 27-34 are supported at least on pages 7-8, bridging paragraph, in the instant application as filed (see paragraph [0019] of the application published as US 20070166316 A1). Claims 35 and 36 are supported at least on page 8, second full paragraph, and page 12, last paragraph, respectively, in the instant application as filed (see paragraphs [0021] and [0032] in US 20070166316 A1).

No new matter has been introduced, and entry of the above revised claims is respectfully requested.

Alleged rejection under 35 U.S.C. § 102

Claims 1-5, 16-18, 21, and 23 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Mosca (WO 02/079396, published Oct. 10, 2002). Applicant has carefully reviewed the statement of the instant rejection as well as the cited document and respectfully traverses because no *prima facie* case of obviousness is present with respect to the pending claims.

The cited Mosca document is deficient with respect to the above-presented claims because the document does not teach the features present in the claim. It is well settled law that a cited document must teach each and every feature of a claim in establishing a *prima facie* case of anticipation.

Applicant respectfully point out that the only passage relevant to a "tumor specific antigen" in the Mosca document is on pages 13-14, bridging paragraph, as follows:

> The "Biological Carriers" described herein establish an ideal system for assessing the ability of human patients to respond immunologically by testing their T- lymphocyte responses. By assessing an individual's immune competency, the ability to respond to a particular vaccine can be determined, in addition the ability of an individual can be prescreened to be responsive to a specific "Biological Carrier" preparation before receiving the material in order to determine the potential benefit of the administration. The potent accessory cell function of the "Biological Carriers" may be able *in vivo* to present infectious disease agents and/or tumor antigens to T- lymphocytes obtained from afflicted individuals, whose immune response apparently is inadequate to mount an effective response to eliminate the infectious agent or tumor. In addition to the *in vivo* expansion of effective T-lymphocytes, activated T- lymphocytes can be expanded *in vitro* for use in immunotherapeutic applications. Tumor cells isolated from patients or established tumor-derived cell lines can be used as host for virus infections. The virus used in this manner can be related to the tumor in question or can be from, or be derived from, a separate group of viruses that are permissive to grow in said tumor cells for the expressed purpose of budding and thereby removing tumor specific antigens already processed in the proper configuration for T-lymphocyte presentation. These tumor cells can be in addition modified on their cell surface with co-stimulatory molecules or other accessory molecules that would facilitate the "Biological Carrier's" ability to mount an immune response against the tumor. (underlining added)

As evident from the above quote, the only contemplation of a "tumor specific antigen" is by use of a tumor cell as a host for virus infections. This is consistent with the Office's observation regarding the Mosca document on page 5, lines 22-26, which disclose the use of "cells isolated from the tumor or non-tumor source" in producing a "Biological Carrier."

But the Mosca document does not teach or suggest the use of a host cell that expresses an exogenous tumor specific antigen as featured in the instant claims. Instead, the discussion of "tumor specific antigen" in the Mosca document is with respect to using an isolated tumor cell to produce the "Biological Carrier." Because the cited document does not teach or suggest any expression of an "exogenous tumor specific antigen," the document cannot anticipate the claims.

In addition to the above, Claim 21 is separately novel and non-obvious over the cited document. The Mosca document fails to teach or suggest use of a "non-tumor" host cell that expresses an exogenous tumor specific antigen as featured in Claim 21, given its dependency from Claim 1. Instead, it is quite clear from the above quote that the Mosca document directs the skilled person to using a tumor cell, which endogenously expresses at least one tumor antigen, to produce a Biological Carrier that presents a tumor antigen.

In light of the foregoing, no case of anticipation is present, and the claims are patentable over the cited Mosca document. Reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

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